

FILED

NOV 25 2020

Clerk, U.S. District Court
Eastern District of Texas

**U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

Mr. Michael Moates

Case No.: 4:20-cv-00896

Plaintiffs,

v.

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER**

Facebook Inc. et al.

Defendants.

Judge: *Mazzant*

Comes the plaintiff, Michael Moates, will and hereby does move this Court pursuant to Federal Rule of Civil Procedure 65, Local Rules CV-5 and CV-10 for a Temporary Restraining Order and an Order to Show Cause Why a Preliminary Injunction Should Be Issued (1) compelling Facebook to reinstate access to all accounts including Facebook App, Instagram, Messenger, CrowdTangle, Oculus and all associated features. (2) restraining Defendant Facebook Inc. from disabling any access to these accounts or any features until such time as a judge can make an order on the injunction. (3) restrain Facebook and its employees from taking any adverse action against Plaintiff.

This motion is made on the grounds that (1) absent a temporary restraining order granted without further notice, Moates is likely to suffer irreparable harm; (2) that Moates is likely to succeed on the merits of its claims that Facebook's conduct violates Sherman Act. (3) that the balance of equities tips sharply in Moates's favor; and (4) that the public interest supports an injunction based on the fact that they are impairing the operations of a charity organization.

The facts in the record will be supported by overwhelming evidence that Facebook has engaged in illegal activity, breach of contract, and caused the Plaintiff irreparable harm. The

1 issue at stake that is causing irreparable harm is that without access to the platform, the Plaintiff
2 has lost all of his revenue. In addition, the is cause for grave concern that Facebook will delete
3 all data connected to the Plaintiff's account.

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5 **Citations**

6 Aerotec Int'l, Inc. v. Honeywell Int'l, Inc., 836 F.3d 1171 (9th Cir. 2016)
7 Aya Healthcare Servs., Inc. v. AMN Healthcare, Inc., No. 17CV205-MMA (MDD), 2018 WL
8 3032552 (S.D. Cal. June 19, 2018)
9 Bernhardt v. Los Angeles Cty., 339 F.3d 920 (9th Cir. 2003)
10 Boardman v. Pac. Seafood Grp., 822 F.3d 1011 (9th Cir. 2016)
11 Brown Shoe v. United States, 370 U.S. 294 (1962)
12 Cascade Health Sols. v. PeaceHealth, 515 F.3d 883 (9th Cir. 2008)
13 Datagate, Inc. v. Hewlett-Packard Co., 60 F.3d 1421 (9th Cir. 1995)
14 United States v. Microsoft, 253 F.3d 34 (D.C. Cir. 2001)
15
16
17

18 **Statute**

19 Sherman Act Section 1
20 Sherman Act Section 2

21 **Other Authorities**

22 Big Tech Antitrust Hearing Full Transcript, Rev (July 29, 2020),
23 <https://www.rev.com/blog/transcripts/big-tech-antitrust-hearing-full-transcriptjuly-29>
24 FCC (accessed Aug. 17, 2020), [https://www.fcc.gov/general/lifeline-program-low-income-](https://www.fcc.gov/general/lifeline-program-low-income-consumers)
25 consumers
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Respectfully submitted,

By: Michael Moates
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